

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>KIMBERLY A. GIRARO</b>	)	<b>CASE NO. 1:08cv1959</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE CHRISTOPHER A. BOYKO</b>
	)	
<b>Vs.</b>	)	
	)	
<b>COMMISSIONER OF SOCIAL SECURITY,</b>	)	<b>ORDER OF DISMISSAL</b>
	)	
<b>Defendant.</b>	)	

**CHRISTOPHER A. BOYKO, J:**

On August 13, 2008, Plaintiff filed her Complaint with this Court. On August 21, 2008, the Clerk of Court entered an Automatic Reference of Administrative Action to Magistrate Judge David S. Perelman, pursuant to Local Rule 72.2. On August 27, 2008, the Magistrate Judge filed his Initial Order, stating that any case in which the Plaintiff's brief on the merits is not filed within forty-five days after answer may be subject to dismissal for want of prosecution without further notice.

Per the Magistrate Judge's Order of August 27, 2008, Plaintiff's brief on the merits was due on March 3, 2009. On March 4, 2009, the Magistrate Judge granted Plaintiff's motion seeking an extension of time to April 2, 2009 to file Plaintiff's brief. On April 2, 2009, Plaintiff filed a second motion seeking an extension until May 4, 2009. The Magistrate Judge granted that motion the following day. Plaintiff filed a third motion on May 4, 2009, seeking an extension until May 18, 2009. The third motion was granted on May 8, 2009. On May 14, 2009, Plaintiff filed a fourth motion seeking an extension until June 8, 2009. The Magistrate Judge's

Order, by way of marginal entry, granted that motion, stating that no further extensions will be allowed.

On June 11, 2009, the Magistrate Judge issued a Report and Recommendation stating that no brief on the merits had been filed.. On June 16, 2009, Plaintiff filed her Objections to Magistrate's Report and Recommendation, attaching as an exhibit the Brief on the Merits. In her Objections, Plaintiff stated that the facts and procedures leading up to the recommendation are correct. Therefore, this Court dismisses Plaintiff's claims, without prejudice, for failure to prosecute.

IT IS SO ORDERED.

June 18, 2009  
Date

s/Christopher A. Boyko  
CHRISTOPHER A. BOYKO  
United States District Judge